

Dec 14 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE) IN THE COURT OF COMMON PLEAS
) THIRTEENTH JUDICIAL CIRCUIT

Ironwork Productions, LLC,) Civil Action No. 2018-CP-23-04516
)
 Plaintiff,)
)
 vs.)
)
 Bobcat of Greenville, LLC and Bobcat) **ORDER DISMISSING**
 Company, Inc.,) **PLAINTIFF’S COMPLAINT**
) **WITH PREJUDICE**
 Defendants.)
)

This matter came before the Court upon receipt of the Notice of Plaintiff’s Noncompliance with this Court’s October 1, 2019 Order, filed by Defendant Clark Equipment Company d/b/a Bobcat Company (incorrectly named in Plaintiff’s Complaint as “Bobcat Company, Inc.”) (hereinafter “CEC”).

CEC’s counsel filed a Motion for Sanctions and to Compel Discovery Responses on August 15, 2019, asserting that CEC had received no response from Plaintiff to its May 16, 2019 deficiency letter pertaining to its first set of discovery requests to Plaintiff (which also were the subject of an earlier motion to compel discovery responses) or to its May 16, 2019 second set of discovery requests.

The Motion for Sanctions and to Compel Discovery Responses came before this Court for hearing on October 1, 2019. Plaintiff’s counsel failed to appear for the hearing. The Court issued an order on October 1, 2019,¹ stating that Plaintiff’s Complaint in this lawsuit shall be dismissed if Plaintiff did not provide full and complete responses to all outstanding requests set forth in

¹ The background leading to the October 1, 2019 Order was set forth more fully in CEC’s August 15, 2019 Motion for Sanctions and to Compel Discovery Responses and in the October 1, 2019 Order itself.

CEC's May 16, 2019 deficiency letter and May 16, 2019 second set of discovery requests within ten (10) days. In an email to the Court, Plaintiff's counsel consented to the language of the Order before it was filed.

On October 18, 2019, CEC's counsel filed a Notice of Noncompliance with the October 1, 2019 Order, asserting that Plaintiff had not produced a single document in response to CEC's May 16, 2019 deficiency letter, CEC's May 16, 2019 second set of discovery requests, or the Court's October 1, 2019 Order.

The Court finds that Plaintiff has been given ample notice of the discovery deficiencies but has failed to respond thereto. The Court also finds that Plaintiff has not complied with the terms of the October 1, 2019 Order.

THEREFORE, Plaintiff's Complaint is dismissed with prejudice as to all defendants.

IT IS SO ORDERED.

The Honorable Edward W. Miller
Presiding Judge

Greenville, South Carolina

October ____, 2019



Greenville Common Pleas

Case Caption: Iron Works Productions Llc vs. Bobcat Of Greenville LLC ,
defendant, et al
Case Number: 2018CP2304516
Type: Order/Other

So Ordered

s/ Edward W. Miller